



West Virginia Senate

Committee on the Judiciary

Minutes for FEBRUARY 05, 2020, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on February 05, 2020, 3:00 PM in Room 208-W.

Members present: Senators Trump, Weld, Azinger, Clements, Cline, Maynard, Pitsenbarger, Rucker, Smith, Takubo, Baldwin, Beach, Hardesty, Jeffries, Lindsay, Romano, Woelfel

Members absent: None

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Rucker, the minutes of the previous meeting were approved.

S. B. 484 - Requiring free feminine hygiene products be provided to female prisoners.

Debra Graham, Counsel, explained the bill, the purpose of the committee substitute, and responded to questions.

With leave of the committee, Brad Douglas, Chief of Staff, West Virginia Division of Corrections, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Rucker, the committee agreed to the committee substitute.

On motion of Senator Rucker, the committee reported the committee substitute to the full Senate with the recommendation that it do pass, but first be referred to the Committee on Finance.

S. B. 653 - Increasing number of magistrates in Putnam County.

Chris Alder, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

Senator Beach moved to amend the committee substitute on page 2, line 35, subsection (31) to insert the words “, except that beginning on January 1, 2021, Monongalia County shall have six magistrates.” at the end of the sentence.

Chairman Weld moved **S. B. 653** to the end of the agenda.

H. B. 2922 - Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed strike and insert amendment, and responded to questions.

Senator Rucker moved to adopt the strike and insert amendment.

On motion of Senator Woelfel, the committee amended the strike and insert amendment on page 1, lines 9 and 11 striking the words “if one is available in the county or municipality in which the defendant resides”

On motion of Senator Rucker, the committee adopted the strike and insert amendment.

On motion of Senator Rucker, the committee reported the bill to the full Senate with the recommendation that it do pass.

On motion of Senator Rucker, the committee adopted the title amendment.

H. B. 3039 - Relating to a court's consideration of the expression of a preference by a child in certain child custody matters.

Laura Goins, Counsel, explained the bill, the purpose of the proposed strike and insert amendment and title amendment, and responded to questions.

With leave of the committee, Senator Romano requested any interested party to address the committee. No one present responded to the request.

Senator Rucker moved to adopt the strike and insert amendment

On motion of Senator Romano, the committee amended the strike and insert amendment to return the existing statutory language relating to the presumption that the court accommodate if it is in the best interests of the child, the firm and reasonable preferences of a child 14 years of

age or older and add new language allowing the court to also consider the preference of a child younger than 14 years of age.

On motion of Senator Rucker, the committee adopted the strike and insert amendment.

On motion of Senator Rucker, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Rucker, the committee adopted the title amendment.

H. B. 4275 - Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

Debra Graham, Counsel, explained the bill, the purpose of the proposed amendment and title amendment, and responded to questions.

On motion of Senator Rucker, the committee adopted the amendment as described by counsel.

On motion of Senator Rucker, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Rucker, the committee adopted the title amendment.

On motion of Senator Rucker, the committee laid over **S. B. 653**.

On Motion of Senator Rucker the committee adjourned.



Ryan W. Weld
Chairman



Beverly Douglas
Analyst/Clerk

The Senate of West Virginia



Testimony taken this 5th day of February, 2020, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Reed Douglas

Print Witness Name

Reed Douglas

Sign Witness Name

Oath was administered by:

RYAN W. WELD

Charles S. Trump

Print Member Name

R. W. Weld
Charles S. Trump

Sign Member Name